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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,440	09/26/2006	Thierry Blanche	BLANCHE1	6853
1444	7590	03/30/2009		EXAMINER
BROWDY AND NEIMARK, P.L.L.C.				EDWARDS JR, TIMOTHY
624 NINTH STREET, NW				
SUITE 300			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20001-5303			2612	
				MAIL DATE
				DELIVERY MODE
			03/30/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/594,440	BLANCHE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy Edwards, Jr.	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 September 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al US 3,754,275, and further in view of Lara US 4,717,875.

Considering claim 1, Carter discloses a pipeline inspection comprising a) a marker accessible on the outside of an immersed hollow structure (see fig 1, items marker station and 10); b) positioning a transponder module on the mark (see col 1, lines 58-64); c) identifying the transponder module by an identification code (see col 1, line 65 to col 2, line 1); except Carter does not specifically recite defining by counting, from an origin a mark and determining the number of marks separating the anomalies and the identified transponder module. Carter teaches the use of recorded time from an identified transponder marker and a device in a hollow structure passing a marker. The device detects and records the time of an anomaly. The identified transponders transmit the time the device passes and the location of the anomaly calculated using these times (see col 4, lines 35-62). Lara teaches counting the number of welds passed by an instrumented pig and the measured distant from a point of origin by an accelerometer will give the location of an anomaly using the counted marks (see col 2, lines 56-68).

Lara also, discloses the use of marker at a weld joint (see col 6, lines 36-46). Therefore, it would have been obvious to one of ordinary skill in the art to use the method of Lara in the Carter system because both systems are concerned with the detection of anomalies in a pipeline and the use of markers to assist in this determination.

Considering claim 2, Carter discloses the limitation of this claim see fig 1, item 10.

Considering claim 3, Carter discloses the marks are located at regular intervals accessible inside and outside of the immersed hollow structure (see col 3, lines 24-33); except Carter does not specifically recite the marks are located at weld connection of the hollow structure. However, Examiner takes official notice marks are known to be located at weld joints of a hollow structure.

Considering claim 4, Carter discloses the limitation of this claim (see col 3, lines 49-58).

Considering claim 5, Carter discloses the limitation of this claim (see col 3, lines 58-68).

Considering claim 6, Carter does not specifically recite the frequency at which the transponders transmit its identification code or at which power level. One of ordinary skill in the art readily recognizes both of these transmission parameters are governed by the receiver and the distance of the transmission. Obvious to choose these parameters to accomplish the task of receiving the data.

Considering claim 7, Carter discloses the limitation of this claim (see col 3, lines 65-68).

Considering claim 8, the limitations of this claim are interpreted and rejected as stated in claim 1.

Considering claims 9-12, Carter does not specifically recite the means for positioning the transponder module. However, one of ordinary skill in the art readily recognizes device maybe attached to the pipeline using any known method of attachment.

Examiner takes official notice the methods of attaching a device to a pipeline as expressed in the limitations of these claims are well known in the art.

Considering claim 13, Carter discloses the limitation of this claim (see col 3, lines 65-68).

3. Claims 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al and Lara as applied to claim 8 above, and further in view of Casey et al US 6,965,320.

Considering claim 14, Carter does not specifically recite writing data to his marker station before immersion. Carter teaches the use of a marker station comprising a modulator and a transmitter. The modulator generates a unique code for transmission to

a base station. This suggests the modulator maybe preprogrammed. Casey teaches a monitor station being preprogrammed before immersion (see col 3, lines 38-42 and fig 3). Therefore, it would have been obvious to one of ordinary skill in the art to preprogram data into the stations of Carter as taught by Casey because Carter suggests preprogramming. Both systems are concern with the transmission of data to a remote station.

Considering claim 15, Carter does not specifically recite the immersed structure is a submarine pipeline. Carter discloses a pipeline submerged in the earth (see fig 1). Casey teaches a pipeline submerged in the earth and continues on into be immersed in water (see fig 3). Pipeline is known to be place in the earth and at the bottom of a body of water. Obvious to place the pipeline where it is needed.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

*If the claimed invention is amended, Applicant is respectfully requested to indicate the portion(s) of the specification, which dictate(s) the structure/description*

*relied upon to assist the Examiner in proper interpretation of the amended language and also to verify and ascertain the metes and bounds of the claimed invention.*

Any inquiry concerning this communication should be directed to Examiner Timothy Edwards, Jr. at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman, can be reached at (571) 272-3059.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be fax to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Timothy Edwards, Jr./  
Primary Examiner, Art Unit 2612  
March 27, 2009